



City of Quincy, Massachusetts

OFFICE OF THE COUNCIL

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**TO: ALL MEMBERS OF THE ORDINANCE COMMITTEE
OF THE QUINCY CITY COUNCIL**

FROM: COUNCILLOR KEVIN F. COUGHLIN, CHAIRMAN

**The Ordinance Committee of the Quincy City Council will meet on
MONDAY, MAY 6, 2013 at 6:30 PM in the New City Hall Council
Chambers relative to all items pending in Committee specifically
including:**

#2013-061 Amending Municipal Code re: Medical Marijuana

#2013-070 Amending Municipal Code re: Community Preservation Com.

Please attend this very important meeting.

**TO ALL COUNCILLORS
PATRIOT LEDGER, BOSTON GLOBE
QUINCY ACCESS TV, QUINCY SUN
MAYOR KOCH, MESSRS. FATSEAS, WALKER
SHEA, TIMMINS, HARRINGTON, DUCA
COMMISSIONER RAYMONDI**

INTRODUCED BY:

WARD FOUR COUNCILLOR BRIAN PALMUCCI

CITY OF QUINCY
IN COUNCIL

April 1, 2013

ORDER NO.

ORDERED:

2013-061

BE IT ORDAINED, that the City of Quincy Zoning Ordinance be amended to include the following: Add Section 6.9 MEDICAL MARIJUANA DISTRIBUTION and amend Section 10 to include definition of MEDICAL MARIJUANA DISTRIBUTION, as detailed below respectively.

6.9 MEDICAL MARIJUANA DISTRIBUTION

6.9.1 Purpose. It is the purpose of this section titled Medical Marijuana Distribution to address and mitigate the secondary effects of the Medical Marijuana Distribution and drug dispensing oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the City, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the City. All of said secondary impacts are adverse to the health, safety and general welfare of the City and its inhabitants. It is the purpose of this ordinance to establish specific standards and procedures for local licensing of medical marijuana centers, medical marijuana infused products, manufacturers,

1. The provisions of this Ordinance have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials. Similarly, it is not the purpose or intent of this Ordinance to restrict or deny access by adults to Medical Marijuana Distribution or to other related matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors of such materials may have to sell or distribute such materials. Neither is it the purpose or intent of this Ordinance to legalize the sale, rental, or distribution of illicit or other illegal matter or materials.

6.9.2 General. Medical Marijuana Distribution may be authorized by special permit as set forth in the Table of Principal Uses. The following regulations shall apply to Medical Marijuana Distribution as defined in this Ordinance. An Urban Renewal Use is exempt from the provisions of Section 6.9.

6.9.3 Prohibition. No Medical Marijuana Distribution special permit shall be issued to any person convicted of violating the provisions of G.L. c. 119, s. 63, or G.L. c. 94C, or similar laws in other jurisdictions. Any applicant for licensure under this Ordinance must allow for a criminal background check which includes jurisdictions beyond Massachusetts.

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6.9.4 Separation. No Medical Marijuana Distribution use shall be located within fifteen hundred linear feet of:

1. any Residential District as designated herein; or
2. any school or child care establishment; or
3. any other Medical Marijuana Distribution site; or

Distances shall be calculated by direct measurement from the nearest property line of the land used for school or child care purposes to the nearest portion of the building in which the medical marijuana dispensary is located, using a route of direct pedestrian access.

6.9.5 No Entitlement or vested rights to licensing. No person shall be deemed to have any entitlement or vested right to licensing under this Ordinance by virtue of having received any prior license or permit from the city including, by way of example only, any zoning permit, any wholesale food manufacturer's license. In order to lawfully engage in the business of selling, cultivating, or manufacturing medical marijuana in the city on and after the date of passage of this Ordinance, any person must qualify for and obtain a license in accordance with the requirements of this Ordinance.

6.9.6 Conflict of laws. In the event of any conflict between the provisions of this Ordinance and any other applicable state or local law, the stricter provision, as deemed by the Zoning Administrator, shall control.

6.9.7 Signage. Any licensed medical marijuana distribution site shall comply with the requirements of the city sign ordinances at all times. In addition, no licensed medical marijuana distribution site shall use any advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors upon penalty of license revocation.

6.9.8 Manufacturing. A local license for medical marijuana infused product manufacturing may be issued in any location where commercial manufacturing of products is permitted by the zoning code. Manufacturing locations

6.9.9 Term of License. Any local license issued pursuant to this Ordinance shall be valid for a period of two years from the date of issuance. Any renewal of the license shall be governed by the standards and procedures set forth in this Ordinance and any regulations adopted pursuant thereto by the Zoning administrator and/or Licensing Board.

6.9.10 Notification. Any new applications sought under this Ordinance must be publically advertised for a period of no less than fourteen (14) days. Abutters within four hundred (400) feet must be notified in writing of said application, and include any and all dates for public hearings on said application.

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10 DEFINITIONS

Medical Marijuana Distribution establishments: Shall include and be defined as follows:

An establishment having as any portion of its stock in trade marijuana or marijuana based products, as allowed for medical uses under state law, including but not limited to retail distribution, wholesale distribution or the manufacturing or sale of marijuana infused products.

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INTRODUCED BY: Mayor Thomas P. Koch

**CITY OF QUINCY
IN COUNCIL**

ORDER NO. 2013-070

April 22, 2013

ORDERED:

Upon recommendation of the Community Preservation Committee and with the approval of his Honor, the Mayor, Chapter 2.256 of the Quincy Municipal Code is hereby amended as follows:

1. By striking the phrase "There shall be a Community Preservation Committee in accordance with Chapter 267 of the Acts of 2000, Massachusetts Community Preservation Act," in Section 2.56.010 and inserting "There shall be a Community Preservation Committee in accordance with Chapter 267 of the Acts of 2000, as amended."
2. By inserting "including the consideration of regional projects" after the phrase "The Community Preservation Committee shall study the needs, possibilities and resources of the City" in Section 2.256.030(1).
3. By striking the language "Such submittal should include all recommendations for the acquisition, and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisitions, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided by this section. With respect to community housing, the Community Preservation shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites" in Section 2.256.030(3) and inserting the language "Such submittal should include all recommendations for the acquisition, creation, preservation, restoration, and rehabilitation of all allowable assets pursuant to G.L. c. 44B.
4. By striking the language "Open space not including land for recreational purposes" in Section 2.256.030(5)(a) and inserting "Open space including land for recreational purposes".

PASS TO BE ORDAINED,

ATTEST:

CLERK OF COUNCIL

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relates to 2013-070

Summary: Changes to the Community Preservation Act

July 2012

This document summarizes the major changes to the Community Preservation Act included in H. 4200 signed by Governor Patrick on July 8, 2012. The section numbers shown below are those found in Chapter 44B, The Community Preservation Act enabling statute, which can be found at: www.communitypreservation.org/content/text-legislation

In addition to the changes explained below, H. 4200 also included a \$25 million transfer from the state's FY 2013 budget surplus to the statewide CPA Trust Fund, for distribution to CPA communities in the fall of 2013.

Section 2

- Adds a new definition for "Capital improvement" as shown below.

"Capital improvement", reconstruction or alteration of real property that: (1) materially adds to the value of the real property or appreciably prolongs the useful life of the real property; (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; and (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.

- "Historic resources" definition: Deletes the confusing phrase "or eligible for listing," as shown below.

"Historic resources", a building, structure, vessel, real property, document or artifact that is listed ~~or eligible for listing~~ on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

- Adds a clearer definition of the term "Maintenance" as shown below, and relocates the prohibition on using CPA funds for maintenance to Section 5(b)2.

"Maintenance", incidental repairs which neither materially add to the value of the property nor appreciably prolong the property's life, but keep the property in a condition of fitness, efficiency or readiness.

- For recreation projects only, expands the definition of "rehabilitation," as shown below, to allow for replacement of recreational equipment and other capital improvements.

"Rehabilitation", capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes; provided, that with respect to historic resources, "rehabilitation" shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68; and provided further, that with respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

Summary: Changes to the Community Preservation Act

July 2012

- Adds a definition of “support of community housing,” as shown below, to clarify that assistance may be provided directly to persons that qualify for community housing.

“Support of community housing”, shall include, but not be limited to, programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable.

Section 3

- Allows communities to adopt CPA at the ballot with a minimum 1% property tax surcharge and then dedicate additional municipal revenues (such as hotel/motel excise taxes) to their CPA Fund, up to the full 3% of the real estate levy against real property.
- Adds a new, optional commercial exemption for the first \$100,000 of property value for commercial and industrial properties, mirroring the current optional \$100,000 residential exemption.

Section 5

- Adds a requirement that Community Preservation Committees should, as part of their Community Preservation Plan, consider CPA projects that are regional in scope.
- Modifies the allowable uses of CPA funds to permit the rehabilitation of existing recreational land not created or acquired with CPA funds.
- Adds a prohibition on using CPA funds to acquire artificial turf for athletic fields.
- Clarifies that in the case of cities, legislative body action on CPA spending recommendations will be governed by the same procedures used for other city appropriations, as specified in the city charter.

Section 6

- Allows communities to use their annual 10% open space set-aside on both passive and active recreation projects.
- Allows communities to use some of their CPA administrative and operating expenses, in their first year only, to cover CPA costs associated with tax billing software upgrades. Such costs currently must be paid from non-CPA revenue sources.

Summary: Changes to the Community Preservation Act

July 2012

Section 7

- For communities that adopt CPA with the provision allowing for additional municipal revenue to be deposited into their Community Preservation Fund, this section provides the language that allows that additional revenue to be deposited into the fund.

Section 10

- Allows the CPA Trust Fund disbursement for municipalities to be delayed to November 15th each year, if necessary, so that monies from the state budget surplus can be deposited into the CPA Trust Fund prior to the distribution. Previously the deadline was October 15th.
- If applicable, requires municipalities to certify to the commissioner of revenue by October 30th each year the maximum additional funds it intends to transfer to its Community Preservation Fund from other allowable municipal revenues for the following fiscal year, and clarifies that such municipalities will qualify for annual CPA matching funds for those additional funds, as well.

Section 12

- Clarifies that a real property interest *acquired* by a municipality by any mechanism using CPA funds shall be bound by a permanent restriction. Current legislation uses the word *purchased*.
- Changes the term “deed restriction” to the more proper “permanent restriction,” and clarifies that the restriction must be recorded as a separate instrument that meets the requirements of Chapter 184, sections 31 to 33.
- Clarifies that CPA funds may be appropriated to non-profit organizations to hold, monitor and enforce restrictions limiting the use of land to CPA purposes.

Section 16

- Allows communities that have already accepted the CPA at a surcharge level above 1% the option of reducing their CPA surcharge to 1% and committing additional municipal revenues to their Community Preservation Fund, pursuant to Section 2 above.

Please Note: This document was prepared on July 9, 2012 by the Community Preservation Coalition based on an unofficial version of the Community Preservation Act as amended on July 8, 2012. The Coalition does not render legal opinions or advice, and recommends consulting with an attorney.